

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
NORTHERN DIVISION

ANGELA UPCHURCH and ROBERT  
UPCHURCH,  
Plaintiffs,

No. 3:22-cv-00431-CLC-DCP

v.

JADEN WOOD HORN and TENNESSEE  
VALLEY AUTHORITY,  
Defendants.

**DEFENDANTS' JOINT MOTION TO EXCLUDE**  
**PLAINTIFFS' EXPERT TESTIMONY**

Pursuant to the Court's Scheduling Order (Doc. 28) and Federal Rule of Civil Procedure 37(c)(1) and in accordance with Local Rule 7.1, Defendant Jaden Wood Horn and Defendant Tennessee Valley Authority hereby jointly move the Court to preclude Plaintiffs from presenting any evidence under Federal Rule of Evidence 702, 703, or 705 from any witness for whom Plaintiffs were required to provide a disclosure under Federal Rule of Civil Procedure 26(a)(2), including any attempts to use treating physician testimony for any purpose which requires an expert disclosure under Rule 26(a)(2)(C) of the Federal Rules of Civil Procedure.

As of the date of this motion, Plaintiffs have failed to make any expert disclosures under Federal Rule of Civil Procedure 26(a)(2), and Plaintiffs have presented no justification for their failure to comply with the Court's Scheduling Order. Thus, any expert testimony should be excluded under Federal Rule of Civil Procedure 37(c)(1).

Respectfully submitted,

*s/ Austin C. Evans (with permission)*

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### **CERTIFICATE OF SERVICE**

I certify that the foregoing document was filed electronically through the Court's ECF system on the date shown in the document's ECF footer. Notice of this filing will be sent by operation of the Court's ECF system to all parties as indicated on the electronic filing receipt. Parties may access this filing through the Court's ECF system.

*s/ Christopher W. Sanders*  
Attorney for Tennessee Valley Authority